

ESTTA Tracking number: **ESTTA486280**

Filing date: **07/30/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205723
Party	Defendant Stuller, Inc.
Correspondence Address	R BENNETT FORD ROY KIESEL FORD DOODY & THURMON 9100 BLUEBONNET CENTRE BLVD STE 100 BATON ROUGE, LA 70809-2985 UNITED STATES
Submission	Answer
Filer's Name	R. Bennett Ford, Jr.
Filer's e-mail	rbf@roykiesel.com, afb@roykiesel.com
Signature	/R. Bennett Ford, Jr./
Date	07/30/2012
Attachments	preciousbondanswerfinal.pdf (5 pages)(189396 bytes) Preciousbond.ExhibitA.pdf (2 pages)(56164 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Jewelers Vigilance Committee,

Opposition No. 91/205,723

Opposer

Mark: PRECIOUS BOND

Versus

Stuller, Inc.

Application Ser. No. 85/924,523

Applicant

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

1.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 1. Accordingly, the allegations of paragraph 1 are DENIED.

2.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 2. Accordingly, the allegations of paragraph 2 are DENIED.

3.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 3. Accordingly, the allegations of paragraph 3 are DENIED.

4.

Applicant ADMITS that the labeling and marketing of jewelry, precious metals and gemstones is regulated. Applicant is without sufficient knowledge to determine the veracity of the remaining allegations in paragraph 4. Accordingly, the allegations of paragraph 4, not admitted above, are DENIED.

5.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 5. Accordingly, the allegations of paragraph 5 are DENIED.

6.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 6. Accordingly, the allegations of paragraph 6 are DENIED.

7.

Applicant is without sufficient knowledge to determine the veracity of the allegations in paragraph 7. Accordingly, the allegations of paragraph 7 are DENIED.

8.

The allegations of paragraph 8 are ADMITTED.

9.

The allegations of paragraph 9 are ADMITTED.

10.

The allegations of paragraph 10 are ADMITTED.

11.

Paragraph 11 incorporates the allegations of paragraphs 1-10. Applicant incorporates its responses to those paragraphs hereto.

12.

Applicant ADMITS that the PRECIOUS component of the Opposed Mark is descriptive of the goods listed in the Application. Applicant DENIES that the Precious component or the entire Opposed Mark is *merely* descriptive of the goods listed in the Application. All other allegations in paragraph 12, not admitted above, are DENIED.

13.

Applicant ADMITS that the term “PRECIOUS” is descriptive because it describes a type of metal used in Applicant’s goods. Applicant DENIES that the term PRECIOUS is *merely* descriptive when used with the entire Opposed Mark. All other allegations in paragraph 13, not admitted above, are DENIED.

14.

Applicant ADMITS that the PRECIOUS component of the Opposed Mark is descriptive as used in connection with jewelry containing precious metals. Applicant DENIES that the Opposed Mark is *merely* descriptive as used in connection with jewelry containing precious metals. All other allegations in paragraph 14, not admitted above, are DENIED.

15.

Applicant DENIES the allegations of paragraph 15. Applicant further DENIES that any disclaimer of PRECIOUS is required or appropriate. PRECIOUS BOND is a unitary mark. Unitary marks include marks that when used together, have a meaning that is different from the individual mark components. TMEP § 1213.05. Examples of unitary marks include BLACK MAGIC and HEAVY METAL. An otherwise unregistrable component of a unitary mark is not subject to disclaimer, regardless of whether the unregistrable component, standing alone, would be considered

descriptive or generic. TMEP § 1213.05. Marks that have multiple meanings are unitary and not subject to disclaimer as long as one of their meanings is non-descriptive. TMEP § 1213.05(c). PRECIOUS BOND evokes the strong emotional connection inherent in important human relationships. Examples include the relationship between a parent and child, between siblings, between spouses, and even relationships with pets. *See*, Exhibit A. Jewelry is often purchased to commemorate significant human relationships and their milestones: engagement rings, spousal anniversary presents; parent-child birthday gifts, and so on. The relationship related meaning of PRECIOUS BOND is both readily apparent to the ordinary consumer and relevant in the jewelry context. Accordingly, disclaimer of PRECIOUS is neither appropriate nor necessary.

16.

The allegations of paragraph 16 are DENIED.

WHEREFORE, Applicant prays that this Opposition be dismissed, that Application Serial No. 85/416,478 for the mark PRECIOUS BOND be advanced to registration, that all costs be assessed against the Opposer, and that the Board award Applicant all other relief to which it may be entitled.

Please address all correspondence regarding this opposition to R. Bennett Ford, Jr. of Roy Kiesel, Ford, Doody & Thurmon. aplc at the following address:

Roy Kiesel, Ford, Doody & Thurmon
P.O. Box 15928
Baton Rouge, Louisiana 70895-5928

Please address all telephone calls to R. Bennett Ford, Jr. at (225) 927-9908.

Please address all facsimiles to R. Bennett Ford, Jr. at (225) 926-2685.

Please address all email to R. Bennett Ford, Jr. at rbf@roykiesel.com

Respectfully submitted:

Dated: July 30, 2012

/R. Bennett Ford, Jr. /
R. Bennett Ford, LA B.R. # 24,093
William David Kiesel, LA B.R. # 7367
ROY KIESEL, FORD,
DOODY & THURMON, aplc
P.O. Box 15928
Baton Rouge, Louisiana 70895-5928
(225) 927-9908
(225) 926-2685 (fax)
rbf@roykiesel.com

ATTORNEYS FOR OPPOSERS

Certificate of Service

I hereby certify that a true and complete copy of this Answer to Notice of Opposition was served on counsel for Opposer by depositing the same with the U.S. Postal Service in a sealed envelope, first class certified postage thereon fully prepaid and addressed to Stephen E. Feldman at 220 E. 42nd Street, Suite 3304; New York, NY 10023 on this 30th day of July, 2012.

/R. Bennett Ford, Jr./
R. Bennett Ford, Jr.

Exhibit A

PRECIOUS BOND

1. What is fair in child custody mediation?

DT Saposnek - Conflict Resolution Quarterly, 1985 - Wiley Online Library

... to retain dictatorial control over all contact with the father. In this manner, the then-believed unique precious bond between child and mother might be preserved after the divorce. However, just short of a decade later, with the ...

1. Altared States: Exploring the Legacy of Japanese American Butsudan Practice

[PDF] from ntu.edu.tw

JN Iwamura - Pacific World: Journal of the Institute of Buddhist ..., 2003 - enlight.lib.ntu.edu.tw

... Despite the obvious destruction, they find the family's obutsudan intact. The sisters take a moment before the altar to remember their parents and the precious bond that links them one to the other, as they gather the resolve to go forward. ...

1. Cultural Knowledge Provides Insight: The Correlation Between Kinship and Antigone's Decisions

[PDF] from cod.edu

C Bobko - ESSAI, 2010 - dc.cod.edu

... The cultural knowledge of the oikos can first clarify Antigone's connection to her brother and the sacrificial decision she quickly made. Pomeroy explores the relationship which Polynices had in Antigone's life and assumes it to be a "precious bond" ("By Acting" 85). ...

1. Love and Soulmates

J Stearn - The Circle of Life and Death: A Spiritual Guide for ..., 2008 - books.google.com

... The soul of that animal also will seem to be drawn to you right away as if it was always in your care. 4 Soulmates have a precious bond with one another. Their relationship in a previous lifetime would have been one of tenderness and love for each other. ...

Cooking with Ingredients of Love

L Kinkenon... - 2007 - books.google.com

... I thought of such a miracle, such an adventure. Ivory satin and purple flowers would be our wedding theme. We would share that precious bond that truly united us as one. We will know the spiritual love united as one evenly yoked in marriage. ...

1. A Whisper on Your Pillow

D Maynard - 2009 - books.google.com

... love. A Whisper on Your Pillow is a wonderful expression of the precious bond between parent and child. —Dr. Randall Raburn, retired Executive Director, Cooperative Council for Oklahoma School Administration Page 4. A ...